


Name: Enrolment No:			
UPES End Semester Examination, December 2024 Course: Law Relating to Human Rights Semester: IX Program: BA LL.B./BBA LL.B./B.com LL.B. Time: 03 hrs. Course Code: CLCC5011 Max. Marks: 100 Instructions: <i>i.) Read questions carefully.</i> <i>ii.) There is a prescribed maximum response limit for each section of questions. Kindly adhere to the response limit. There is a penalty for writing more than response limit.</i>			
SECTION A (5Qx2M=10Marks) <i>Maximum Response Limit per question is Five lines</i>			
S. No.		Marks	CO
Q 1	List down any four laws/statutes in India for protection of minorities	2	CO1
Q 2	Many argue that Magna Carta was also a stepping-stone for understanding Democracy. Only four of the Sixty-three clauses in Magna Carta are still valid today. List down these four provisions.	2	CO1
Q 3	Define the classification of “Generation of Human Rights” as offered by Karel Vašák	2	CO1
Q 4	Which Constitutional amendment removed the Right to Property from Part III of the Constitution?	2	CO1
Q 5	What is the name of judgment which struck down Section 497 of IPC (adultery provisions)?	2	CO1
SECTION B (4Qx5M= 20 Marks) <i>Maximum Response Limit per question is One Page.</i>			
Q 6	Explain the key provisions of the Protection of Human Rights Act, 1993?	5	CO2
Q 7	Distinguish between the Constitution and Constitutionalism giving examples to support your response.	5	CO2
Q 8	Explain different models of understanding Human Rights.	5	CO2
Q 9	Describe any Four provisions of ICCPR	5	CO2
SECTION-C (2Qx10M=20 Marks) <i>Maximum Response Limit per question is Three pages.</i>			

Q 10	<p>The Universal Declaration of Human Rights (UDHR) is widely recognized as having inspired, and paved the way for, adoption of more than Seventy Human Rights Treaties, applied today on a permanent basis at global and regional levels.</p> <p>In the light of above context, Analyze the significance of UDHR and its importance.</p>	10	CO3
Q 11	<p>Before the emergence of disability rights and studies, the world (and consequently, Laws) was constituted oblivious of the existence of person with disabilities. Therefore, it becomes imperative to engage with what is disability and pressing need to understand how Modern State understand it. There are three primary models of conceptualizing disability.</p> <p>Explain these three models of understanding disability and Analyze The Rights of Persons with Disabilities Act, 2016 in the context of three models.</p>	10	CO3
<p>SECTION-D (2Qx25M=50 Marks) <i>Maximum Response Limit per question is Six pages</i></p>			
Q 12	<p>Proposition –</p> <ul style="list-style-type: none"> ➤ <i>Republic of Bharatila</i> has porous borders. It has traditionally welcomed refugee and asylum seekers through ad-hoc legal framework. ➤ Increasing pressure of changing demography and influx of illegal immigrants attributable to several reasons, the Republic of Indica recently enacted the Bharatlia Immigration (Tagging) Act, 2024 which allows for the electronic monitoring (tagging) of any person seeking refugee status or residency permits to live and stay in the country, Bharatila. ➤ The Bharatila Immigration (Tagging) Act, 2024 also lays down a procedure for such immigrants, who are subjected to deportation proceedings or a deportation order. ➤ Application of the act is limited to person seeking refugee/immigrant status only and is not applicable to the citizens of Bharatila. ➤ Mr. Chitrasena, who belongs to the <i>Tamas</i> tribe (generally an inhabitant of one of the islands near the mainland of Indica) from one of the neighboring countries, along with his community members (almost 20 in number) arrived at the southern shore of Bharatila in the state of <i>Tanadu</i>. ➤ They sought refugee status and protection due to the adverse impacts felt by the community at large; on life and livelihood due to the climate change in the low-small islands of the Indian Ocean. 	25	CO4

	<ul style="list-style-type: none"> ➤ Mr. Chitrasena has no criminal background or history of misconduct in his home country. Mr. Chitrasena along with his community members were detained by the immigration authority of Bharatila on their arrival. ➤ He applied for bail under the relevant laws of Bharatila. The Bharatila authorities, acknowledging the urgency of climate-induced migration, decided to grant bail but as stated under new Immigration (Tagging) Act, 2024, they were required to wear the electronic tag. ➤ After receiving bail, Mr. Chitrasena approached the State High Court of Tanadu challenging the constitutionality of orders passed by the immigration authorities i.e. electronic monitoring/surveillance under the Bharatila Immigration (Tagging) Act, 2024. <p><i>* Legal and Constitutional framework of Bharatila is pari materia to India.</i></p> <p>The High Court of Tanadu took cognizance of the petition and admitted it. It framed two issues of law –</p> <ol style="list-style-type: none"> i.) Whether Bharatila Immigration (Tagging) Act, 2024 violates right to privacy and dignity as guaranteed under Part-III of Constitution of Bharatila? (13 Marks) ii.) Whether right against adverse effects of climate change is a fundamental right under Article 21 of the Constiution of Bharatila? (12 Marks) <p>You are Counsel representing the petitioner (Chitrasena). Apply the relevant constitutional principles, cases, and judicial precedent and submit responses to above issues.</p>		
Q 13	<p>The Apex Court through, Justice DY Chandrachud and Justice Hima Kohli, in <i>The State Of Jharkhand vs Shailendra Kumar Rai @ Pandav Rai</i> held that in cases pertaining sexual violence, two-finger test or “<i>pre vaginum</i>” test is banned and should not be conducted by medical board. They stated –</p> <p><i>While examining the victim, the Medical Board conducted what is known as the “two-finger test” to determine whether she was habituated to sexual intercourse. This Court has time and again deprecated the use of this regressive and invasive test in cases alleging rape and sexual assault. This so-called test has no scientific basis and neither proves nor disproves allegations of rape. It instead re-victimizes and re-traumatizes women who may</i></p>	25	CO4

	<p><i>have been sexually assaulted, and is an affront to their dignity. The “two-finger test” or pre vaginum test must not be conducted.</i></p> <p>(i) In light of the above judgment, describe judicial precedents leading to two finger test as violative of right to privacy and dignity. (15 marks)</p> <p>(ii) Maximum punishment prescribed under BNS for rape of women is death penalty whereas maximum punishment prescribed for sexual violence against Transgender under Section 18 of The Transgender Persons (Protection of Rights) Act, 2019 is two years. Comment on this disparity using intersectional feminist/LGBTIQA+ jurisprudence. (10 marks)</p>		
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